



**Office of the Clerk**  
**UNITED STATES COURT of APPEALS for the NINTH**  
**CIRCUIT**  
**95 Seventh Street, Post Office Box 193939**  
**San Francisco, California 94119-3939**



Cathy A. Catterson, Clerk of Court

(415) 556-9800

*Effective July 1, 2000*

**AMENDMENTS to the GENERAL ORDERS**

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**Chapter VI**  
**Motions & Screening Cases**

**6.3 Delegation of Authority to Dispose of Motions**

**g. Disposition of Two and Three Judge Motions**

(1) The following motions may be presented to two judges rather than the full panel if only two are participating. Any motions judge participating may vote to grant relief and so order. If all judges present agree that relief will not be granted, they shall so order:

- i. request for certificate of probable cause;
- ii. for leave to proceed in forma pauperis in civil cases;
- iii. for temporary injunctive relief pending further consideration by the panel; and
- iv. for transcripts at government expense.

(2) The following motions may be presented to no fewer than two judges rather than the full panel if only two are present. However, two judges must agree in order to either grant or deny the requested relief:

- i. for injunctive relief pending appeal;
- ii. petition for permission to appeal pursuant to 28 U.S.C. § 1292(b); and
- iii. for reconsideration of an appellate commissioner or single judge order.

Therefore, the third judge must be present for consideration of the above motions if:

- i. one of the other panel members is disqualified or is otherwise unavailable;
- ii. the other panel members disagree about the disposition of the motion; or
- iii. he or she is requested by the other panel members to participate.

- (3) Three judges shall participate:
- i. whenever a motion results in the disposition of the case; or
  - ii. the panel chooses to publish its order.

(4) If two judges determine that oral argument on a motion is necessary, the panel shall direct the motions attorney to make the necessary arrangements. If one of the judges is recused from consideration of the motion and a three-judge order is desirable, a judge or the motions attorney shall contact the Clerk and have a third judge drawn by lot from the available active judges.

(5) If one judge is recused or unavailable to consider a motion requiring the attention of three judges, the motions attorney shall contact the Clerk who shall draw a third judge by lot from the available judges.

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**APPENDIX A**  
**Disposition of Motions by the Clerk**

(29) to correct the caption or add parties when the motion seeks to remedy a clerical error by this court; . . . . . ***NEW***